

## INFORMATION SHEET

### DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

**DISTRICT OFFICE:** Detroit District November 30, 2005

**FILE NUMBER:** 05-145-061-0

**PROJECT REVIEW/DETERMINATION COMPLETED:** **In the office** N **Date:** November 7, 2005  
(Y/N)

**At the project** Y **Date:** October 26, 2005  
**site (Y/N)**

#### PROJECT LOCATION INFORMATION:

State: Indiana

County: Lake

Center coordinates of site by latitude & longitude lat:41-41-33.0000 lon:87-31-11.5320  
coordinates:

Approximate size of site/property (including uplands) 380 acres  
in acres

Name of waterway or watershed: Niles Ditch (Little Calumet River)

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands		X							
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?				X	
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?			X		
<sup>1</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.					

**TYPE OF DETERMINATION:**      **Preliminary**      **Or Approved**      **X**

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

Approximately 20.98 acres of wetlands were delineated onsite and extending off the project area. Approximately 19.02 acres of wetlands were considered adjacent and hydrologically connected to a grassy swale. The grassy swale connected offsite to Niles Ditch and was listed as an intermittent stream on the USGS quad map. Niles Ditch is considered a water of the United States and connects to the Little Calumet River (Deep River). The remaining 1.96 acres of wetlands are considered isolated and not within the Corps' jurisdiction.